

HOUSE BILL 642

N1
HB 1496/09 – ECM

01r0690

By: **Prince George's County Delegation**

Introduced and read first time: February 3, 2010

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2010

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County – Real Property – Home Builders – Community**
3 **Amenities**

4 **PG 407–10**

5 FOR the purpose of ~~requiring a home builder that agrees to provide a community~~
6 ~~amenity to a community development located in Prince George's County to~~
7 ~~include certain information in the contract of sale; requiring a certain home~~
8 ~~builder to make a certain community amenity available by a certain date;~~
9 ~~providing for a certain penalty; requiring a contract of sale for certain property~~
10 in Prince George's County that includes a certain agreement to include a certain
11 disclosure statement; requiring the disclosure statement to be dated and signed
12 by the purchaser and the home builder and included in or attached to the
13 contract of sale; providing that a certain purchaser has an unconditional right
14 to rescind a certain contract of sale at a certain time and under certain
15 circumstances; requiring certain advertising for a certain community
16 development to include disclosure of certain requirements; providing that a
17 certain home builder may be liable for breach of contract under certain
18 circumstances; defining a certain term; providing for the application of this Act;
19 and generally relating to home builders and disclosure of community amenities
20 in Prince George's County.

21 BY adding to
22 Article – Real Property
23 Section 10–708

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2003 Replacement Volume and 2009 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Real Property**

6 **10-708.**

7 (A) IN THIS SECTION, “COMMUNITY AMENITY” INCLUDES:

8 (1) A COUNTRY CLUB;

9 (2) A GOLF COURSE;

10 (3) A HEALTH CLUB;

11 (4) A PARK;

12 (5) A SWIMMING POOL;

13 (6) A TENNIS COURT; AND

14 (7) A WALKING TRAIL.

15 (B) (1) ~~A HOME BUILDER THAT AGREES TO PROVIDE A COMMUNITY~~
16 ~~AMENITY TO A COMMUNITY DEVELOPMENT LOCATED IN PRINCE GEORGE’S~~
17 ~~COUNTY SHALL INCLUDE IN THE CONTRACT OF SALE THE DATE BY WHICH THE~~
18 ~~COMMUNITY AMENITY WILL BE MADE AVAILABLE IN PRINCE GEORGE’S~~
19 ~~COUNTY, A CONTRACT OF SALE FOR RESIDENTIAL REAL PROPERTY THAT~~
20 ~~INCLUDES AN AGREEMENT BY THE HOME BUILDER TO PROVIDE A COMMUNITY~~
21 ~~AMENITY SHALL INCLUDE A DISCLOSURE STATEMENT THAT:~~

22 (I) IDENTIFIES THE COMMUNITY AMENITY PROVIDED IN
23 THE CONTRACT OF SALE; AND

24 (II) SPECIFIES WHEN THE COMMUNITY AMENITY WILL BE
25 COMPLETED IN ACCORDANCE WITH A RECREATIONAL FACILITIES AGREEMENT
26 RECORDED WITH THE PRINCE GEORGE’S COUNTY PLANNING DEPARTMENT.

27 (2) ~~A HOME BUILDER SUBJECT TO PARAGRAPH (1) OF THIS~~
28 ~~SUBSECTION SHALL MAKE THE COMMUNITY AMENITY AVAILABLE BY THE DATE~~
29 ~~STATED IN THE CONTRACT OF SALE THE DISCLOSURE STATEMENT REQUIRED~~
30 ~~UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:~~

1 (I) DATED AND SIGNED BY THE PURCHASER AND THE
2 HOME BUILDER; AND

3 (II) INCLUDED IN OR ATTACHED TO THE CONTRACT OF
4 SALE.

5 (3) A PURCHASER WHO DOES NOT RECEIVE THE DISCLOSURE
6 STATEMENT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION ON OR
7 BEFORE ENTERING INTO THE CONTRACT OF SALE HAS AN UNCONDITIONAL
8 RIGHT, ON WRITTEN NOTICE TO THE HOME BUILDER, TO RESCIND THE
9 CONTRACT OF SALE AT ANY TIME:

10 (I) BEFORE THE RECEIPT OF THE DISCLOSURE
11 STATEMENT; OR

12 (II) WITHIN 5 DAYS AFTER RECEIPT OF THE DISCLOSURE
13 STATEMENT.

14 (C) ANY ADVERTISING FOR A COMMUNITY DEVELOPMENT IN PRINCE
15 GEORGE'S COUNTY THAT WILL INCLUDE A COMMUNITY AMENITY SHALL
16 INCLUDE DISCLOSURE OF THE REQUIREMENTS UNDER THIS SECTION.

17 ~~(c)~~ (D) A IN PRINCE GEORGE'S COUNTY, A HOME BUILDER THAT
18 VIOLATES SUBSECTION (B) OF THIS SECTION SHALL PAY TO THE OWNER OF
19 EACH HOME IN THE COMMUNITY DEVELOPMENT AN AMOUNT EQUAL TO 10% OF
20 THE PURCHASE PRICE OF THE OWNER'S HOME DOES NOT MAKE THE
21 COMMUNITY AMENITY AVAILABLE AS PROVIDED IN THE CONTRACT OF SALE MAY
22 BE LIABLE FOR BREACH OF CONTRACT.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
24 construed to apply only prospectively and may not be applied or interpreted to have
25 any effect on or application to any contracts of sale for property in a community
26 development located in Prince George's County entered into before the effective date of
27 this Act.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2010.